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Sec. 2227 Va. Code Anno. is similar in effect to the statute referred to above, and provides that where the parties had ceased to cohabit prior to the passage thereof in consequence of the death of the woman, *or from any other cause*, all the children of the woman, recognized by the man to be his, shall be deemed legitimate. In *Patterson v. Bingham*, 101 Va. 372, it was held that the voluntary abandonment of the parties of the purpose to marry is not within the meaning of the words "any other cause," and that the mere fact that prior to the passage of the aforesaid section, a colored man and colored woman cohabited together, and contemplated occupying toward each other the relation of husband and wife, does not render legitimate the issue of such intercourse recognized by the man to be his, where it appears that the parties afterwards and before the date last mentioned, mutually abandoned that purpose, and each married another person.

C. B. G.

RAILROADS—SUITS TO FORECLOSE MORTGAGE—INTERVENTION BY INDIVIDUAL BONDHOLDERS—LEGALITY OF SUBSTITUTION OF TRUSTEE—OBJECTION TO FITNESS OF TRUSTEE.—In the case of *Bowling Green Trust Co. et al. v. Virginia Passenger & Power Co.* (C. C., E. D. of Va.), 132 Fed. 921, the following is the syllabus:

It is a well-settled doctrine in the federal courts that, where the fitness of the trustee in a railroad mortgage to represent the interests of the bondholders is not questioned, nor its conduct in efficiently, honestly, and impartially discharging its duty assailed, individual bondholders are neither necessary nor proper parties to a suit to foreclose the mortgage, and that they will not be permitted to intervene therein.

Where a railroad mortgage makes provision for a change of trustee, and a change has been made in apparent conformity to such provision, its legality cannot be collaterally determined on the application of individual bondholders to be permitted to intervene in a suit to foreclose the mortgage instituted by the substituted trustee.

Individual holders of a small minority of the bonds of a railroad company will not be given leave to intervene in a suit to foreclose the mortgage, to the displacement of the trustee who has instituted the suit on request of a majority of the bondholders, where no fraud or misconduct on the part of the trustee is charged, and the only objection to it is that it is unsuitable to conduct the suit because of the fact that certain of its directors are also bondholders and stockholders of the defendant, the court having ample power to hear them as parties in interest, although not formal parties, as to any action taken by the trustee prejudicial to their rights.

A court should in any case be slow to interfere with a mortgage trustee in foreclosing the mortgage, in the apparently lawful discharge of its duty, at the instance of a comparatively small number of minority bondholders, and least of all should it do so when it appears that such bondholders are not themselves seeking actual relief, but are attempting to obstruct the trustee in the discharge of what it deems its duty.